

Adopted	Rejected
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COMMITTEE REPORT

YES:	11
NO:	1

MR. SPEAKER:

*Your Committee on Courts and Criminal Code, to which was referred House Bill 1468, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 4, between lines 22 and 23, begin a new paragraph and insert:
- 2 "SECTION 2. IC 15-17-3-13, AS ADDED BY P.L.2-2008,
- 3 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2009]: Sec. 13. In addition to the powers and duties given the
- 5 board in this article and by law, the board has the powers and duties
- 6 reasonable and necessary to do the following:
- 7 (1) Provide for the quarantine of animals and objects to prevent,
- 8 control, and eradicate diseases and pests of animals.
- 9 (2) Develop, adopt, and implement programs and procedures for
- 10 establishing and maintaining accredited, certified, validated, or
- 11 designated disease or pest free or disease or pest monitored
- 12 animals, herds, flocks, or areas, including the following:
- 13 (A) The establishment and maintenance of herds that are
- 14 monitored for disease or pest syndromes.
- 15 (B) The establishment and maintenance of certified or
- 16 validated brucellosis free herds, animals, and areas.

- 1 (C) The establishment and maintenance of accredited
2 tuberculosis free herds, animals, and areas.
- 3 (3) Develop, adopt, and implement programs and plans for the
4 prevention, detection, control, and eradication of diseases and
5 pests of animals.
- 6 (4) Control or prohibit, by permit or other means, the movement
7 and transportation into, out of, or within Indiana of animals and
8 objects in order to prevent, detect, control, or eradicate diseases
9 and pests of animals. When implementing controls or prohibitions
10 the board may consider whether animals or objects are diseased,
11 suspected to be diseased, or under quarantine, or whether the
12 animals or objects originated from a country, a state, an area, or
13 a premises that is known or suspected to harbor animals or objects
14 infected with or exposed to a disease or pest of animals.
- 15 (5) Control or prohibit the public and private sale of animals and
16 objects in order to prevent the spread of disease and pests of
17 animals.
- 18 (6) Control the use, sanitation, and disinfection of:
- 19 (A) public stockyards; and
- 20 (B) vehicles used to transport animals and objects into and
21 within Indiana;
- 22 to accomplish the objectives of this article.
- 23 (7) Control the use, sanitation, and disinfection of premises,
24 facilities, and equipment to accomplish the objectives of this
25 article.
- 26 (8) Control the movement of animals and objects to, from, and
27 within premises where diseases or pests of animals may exist.
- 28 (9) Control the movement and disposal of carcasses of animals
29 and objects.
- 30 (10) Control the manufacture, sale, storage, distribution, handling,
31 and use of serums, vaccines, and other biologics and veterinary
32 drugs, except those drugs for human consumption regulated under
33 IC 16-42-19, to be used for the prevention, detection, control, and
34 eradication of disease and pests of animals.
- 35 (11) Control and prescribe the means, methods, and procedures
36 for the vaccination or other treatment of animals and objects and
37 the conduct of tests for diseases and pests of animals.
- 38 (12) Develop, adopt, and implement plans and programs for the

1 identification of animals, objects, premises, and means of
2 conveyances. Plans and programs may include identification:

3 (A) of animals or objects that have been condemned under this
4 article; and

5 (B) related to classification as to disease, testing, vaccination,
6 or treatment status.

7 (13) Establish the terms and method of appraisal or other
8 determination of value of animals and objects condemned under
9 this article, the payment of any indemnities that may be provided
10 for the animals and objects, and the regulation of the sale or other
11 disposition of the animals or objects.

12 (14) Control the sale of baby chicks.

13 (15) Cooperate and enter into agreements with the appropriate
14 departments and agencies of this state, any other state, or the
15 federal government to prevent, detect, control, and eradicate
16 diseases and pests of animals.

17 (16) Control or prohibit the movement and transportation into, out
18 of, or within Indiana of wild animals, including birds, that might
19 carry or disseminate diseases or pests of animals.

20 (17) Provide for condemning or abating conditions that cause,
21 aggravate, spread, or harbor diseases or pests of animals.

22 (18) Establish and designate, in addition to the animal disease
23 diagnostic laboratory under IC 21-46-3-1, other laboratories
24 necessary to make tests of any nature for diseases and pests of
25 animals.

26 (19) Investigate, develop, and implement the best methods for the
27 prevention, detection, control, suppression, or eradication of
28 diseases and pests of animals.

29 (20) Investigate, gather, and compile information concerning the
30 organization, business conduct, practices, and management of any
31 registrant, licensee, permittee, applicant for a license, or applicant
32 for a permit.

33 (21) Investigate allegations of unregistered, unlicensed, and
34 unpermitted activities.

35 (22) Institute legal action in the name of the state of Indiana
36 necessary to enforce:

37 (A) the board's orders and rules; and

38 (B) this article.

(23) Control the collection, transportation, and cooking of garbage to be fed to swine or other animals and all matters of sanitation relating to the collection, transportation, and cooking of garbage affecting the health of swine or other animals and affecting public health and comfort.

(24) Adopt an appropriate seal.

(25) Issue orders as an aid to enforcement of the powers granted by this article, IC 15-18-1, and IC 15-19-6.

(26) Control disposal plants and byproducts collection services and all matters connected to disposal plants and byproducts collection services.

(27) Abate biological or chemical substances that:

(A) remain in or on any animal before or at the time of slaughter as a result of treatment or exposure; and

(B) are found by the board to be or have the potential of being injurious to the health of animals or humans.

(28) Regulate the production, manufacture, processing, and distribution of products derived from animals to control health hazards that may threaten:

(A) animal health;

(B) the public health and welfare of the citizens of Indiana; and

(C) the trade in animals and animal products in and from Indiana.

(29) Cooperate and coordinate with local, state, and federal emergency management agencies to plan and implement disaster emergency plans and programs as the plans and programs relate to animals in Indiana.

(30) Assist law enforcement agencies investigating allegations of cruelty and neglect of animals.

(31) Assist organizations that represent livestock producers with issues and programs related to the care of livestock.

(32) Establish an electronic registry of commercial dog breeders in Indiana.

SECTION 3. IC 15-21 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

ARTICLE 21. COMMERCIAL DOG BREEDER

REGULATION

Chapter 1. Application and Definitions

Sec. 1. (a) This article does not apply to an animal shelter, humane society, or animal rescue operation.

(b) As used in this section, "animal rescue operation" means a person or organization that accepts within a year:

(1) more than twelve (12) dogs; or

(2) more than nine (9) dogs and more than three (3) unweaned litters of puppies;

that are available for adoption for human companionship as pets or as companion animals in permanent adoptive homes and that are maintained in a private residential dwelling or uses a system of private residential dwellings as foster homes for the dogs. The term does not include a person or organization that breeds dogs.

Sec. 2. The definitions in sections 3 through 8 of this chapter apply throughout this article.

Sec. 3. "Board" refers to the Indiana state board of animal health established by IC 15-17-3-1.

Sec. 4. "Commercial dog breeder" means a person who maintains adult female dogs that produce ten (10) or more litters in one (1) twelve (12) month period.

Sec. 5. "Person" means an individual, corporation, limited liability company, partnership, or other business entity.

Sec. 6. "Pest" means a pest, pathogen, or parasite that may cause illness to a dog.

Sec. 7. "Pet dealer" means any person, or the employee of a person, who:

(1) engages in the sale of dogs to the public for profit; or

(2) sells or offers for sale more than five (5) dogs in one (1) year.

Sec. 8. "Veterinarian" means an individual licensed as a veterinarian under IC 25-38.1.

Chapter 2. Commercial Dog Breeder Registration

Sec. 1. A person may not operate a commercial dog breeder operation without being registered as a commercial dog breeder with the board.

Sec. 2. A person who:

(1) is registered as a commercial dog breeder; and

1 **(2) operates a commercial dog breeder operation;**
 2 **shall indicate that the person is registered as a commercial dog**
 3 **breeder in a place clearly visible to the public.**

4 **Sec. 3. A person who knowingly or intentionally violates section**
 5 **1 of this chapter commits a Class B misdemeanor. However, the**
 6 **offense is a Class A misdemeanor if the commercial dog breeder**
 7 **maintains more than thirty (30) dogs that are at least one (1) year**
 8 **of age and that have not been spayed or neutered.**

9 **Chapter 3. Renewal of a Registration**

10 **Sec. 1. (a) A person's registration as a commercial dog breeder**
 11 **expires after four (4) years.**

12 **(b) The board shall provide for electronic notice of the**
 13 **upcoming expiration of registration to each registrant at least sixty**
 14 **(60) days before the expiration of the four (4) year period.**

15 **Chapter 4. Duties of Commercial Dog Breeders**

16 **Sec. 1. A commercial dog breeder shall do the following:**

17 **(1) Maintain sanitary conditions of the premises where dogs**
 18 **are present.**

19 **(2) Maintain and use equipment for the care of the dogs in a**
 20 **manner to ensure the proper storage and disposal of:**

21 **(A) waste; and**

22 **(B) any disease contaminated material;**

23 **to control vermin, insects, the spread of pests or disease, and**
 24 **obnoxious odors.**

25 **(3) Use effective control measures to prevent infestation of the**
 26 **dogs and premises from external pests and vermin.**

27 **(4) Provide and maintain natural or artificial illumination in**
 28 **all areas where dogs are kept. The illumination must be**
 29 **adequate to provide efficient inspection and cleaning of the**
 30 **dogs, premises, enclosures, and cages. Cages and enclosures**
 31 **that are in use must be placed in a manner to protect each dog**
 32 **from excessive or stressful illumination.**

33 **(5) Provide a sufficiently heated structure to protect the dogs**
 34 **from the cold and to provide for their health and comfort at**
 35 **all times. Except for dogs that require a higher temperature,**
 36 **the temperature of the structure must be at least sixty-five**
 37 **(65) degrees Fahrenheit and not more than seventy-eight (78)**
 38 **degrees Fahrenheit.**

1 **(6) Provide sufficient mechanical ventilation to:**

2 **(A) minimize drafts, offensive odors, and moisture**
3 **condensation; and**

4 **(B) provide for the health and comfort of the dogs at all**
5 **times.**

6 **(7) Ensure that each dog that is at least twelve (12) weeks of**
7 **age has access to an exercise area every day for at least one**
8 **(1) hour. The commercial dog breeder shall comply with the**
9 **following requirements:**

10 **(A) The exercise area must allow for unfettered clearance**
11 **for dogs from their primary enclosure.**

12 **(B) The exercise area must be at least two (2) times the size**
13 **of the primary enclosure.**

14 **(C) The exercise area fencing must be kept in good repair**
15 **and be free of rust, jagged edges, or other defects that**
16 **could cause injury to a dog.**

17 **(D) The exercise area must be cleaned at least daily or**
18 **more often if necessary to prevent accumulation of debris**
19 **and waste and to reduce disease hazards, insects, pests, and**
20 **odors.**

21 **(E) The exercise area must have ground that is solid and**
22 **maintainable. Exercise areas may use gravel, packed earth,**
23 **and grass.**

24 **(F) A nursing female dog and the dog's puppies may not be**
25 **placed in a run with other adult dogs.**

26 **(8) Implant a microchip in every dog on the premises and all**
27 **of the puppies that are sold, and ensure that the microchips**
28 **are registered.**

29 **(9) Refrain from hiring a staff member who has been**
30 **convicted of a misdemeanor or felony under IC 35-46-3.**

31 **Sec. 2. A commercial dog breeder shall provide enclosures for**
32 **the dogs that conform to the following requirements:**

33 **(1) The enclosure is suited for the breed of dog.**

34 **(2) The enclosure is constructed to enable the dog to remain**
35 **clean and dry.**

36 **(3) The enclosure is maintained in a manner to prevent the**
37 **dog's injury or escape.**

38 **(4) The walls and floor of the enclosure are constructed of**

nonabsorbent, nonporous materials. However, wire flooring may not be used.

(5) The enclosure must meet the following floor space requirements:

(A) The minimum floor space for one (1) dog, in square feet, is determined as follows:

STEP ONE: Measure dog from tip of nose to base of tail in inches.

STEP TWO: Add six (6) to the number determined in STEP ONE.

STEP THREE: Square the number determined in STEP TWO.

STEP FOUR: Divide the number determined in STEP THREE by one hundred forty-four (144).

STEP FIVE: Multiply the number determined in STEP FOUR by two (2).

(B) The minimum floor space for two (2) or more dogs, in square feet, where "n" is the total number of dogs more than two (2) dogs, is determined as follows:

STEP ONE: Determine the minimum floor space under clause (A) for the longest dog.

STEP TWO: Multiply the number determined in STEP ONE by two (2).

STEP THREE: Multiply the number determined in STEP ONE by 1.5n.

STEP FOUR: Add the STEP TWO result to the STEP THREE result.

Sec. 3. A commercial dog breeder shall ensure that each dog's enclosure is cleaned and disinfected to maintain a sanitary condition.

Sec. 4. A commercial dog breeder shall ensure that the dog is provided with sufficient food and water at an interval appropriate to the dog.

Sec. 5. A commercial dog breeder may not display, offer for sale, sell, or exchange a dog with obvious signs of infection, disease, or illness.

Sec. 6. If a commercial dog breeder offers a dog for sale, the commercial dog breeder shall clearly post a sign that states the

1 following:

2 "THE FOLLOWING INFORMATION IS ALWAYS
3 AVAILABLE ON ALL OF OUR DOGS AND PUPPIES: THE
4 ANIMAL'S DATE OF BIRTH; CITY/TOWN AND STATE
5 OF BIRTH; THE DATE (insert name of the commercial dog
6 breeder) RECEIVED THE ANIMAL; THE ANIMAL'S
7 COMPLETE VACCINATION, DEWORMING,
8 MEDICATION, AND TREATMENT RECORDS; AND THE
9 ANIMAL'S 15 DAY WARRANTY".

10 Sec. 7. (a) A commercial dog breeder shall provide a full refund
11 of the purchase price of the dog to the purchaser of a dog who:

12 (1) either:

13 (A) not more than fifteen (15) days after the sale of the dog,
14 has the dog examined by the purchaser's veterinarian, and
15 the veterinary examination indicates that the dog is
16 diseased; or

17 (B) not more than one (1) year after the sale of the dog, has
18 the dog examined by the purchaser's veterinarian, and the
19 veterinary examination indicates that the dog has a
20 congenital disorder; and

21 (2) not more than four (4) business days after the date of the
22 veterinarian's examination:

23 (A) returns the dog to the commercial dog breeder;

24 (B) presents the veterinarian's written statement that the
25 dog is diseased or has a congenital disorder; and

26 (C) presents the proof of sale of the dog.

27 The purchaser may choose to accept an equivalent dog instead of
28 a refund, at the sole discretion of the purchaser.

29 (b) The commercial dog breeder shall reimburse the purchaser
30 of a dog returned under subsection (a) for reasonable veterinary
31 bills for the diagnosis and treatment of the dog. The amount of
32 reimbursement under this subsection may not exceed the original
33 purchase price of the dog.

34 Sec. 8. A commercial dog breeder may not do any of the
35 following:

36 (1) Maintain at a single address or location more than thirty
37 (30) dogs that are at least one (1) year of age and that have not
38 been spayed or neutered.

(2) Breed a female dog unless the dog:

(A) has a current annual certification from a licensed veterinarian that the dog is in suitable health for breeding;

(B) is at least eighteen (18) months of age; and

(C) is less than eight (8) years of age.

(3) Permit a female dog to whelp more than one (1) litter per year.

Chapter 5. Records

Sec. 1. A commercial dog breeder shall provide a consumer with:

(1) a copy of a dog's vaccination, medication, and treatment records; and

(2) a notice of the fifteen (15) day warranty;

at the time a consumer purchases, exchanges, or adopts the dog.

Sec. 2. A commercial dog breeder shall maintain its records for at least five (5) years.

Chapter 6. Units

Sec. 1. (a) As used in this section, "unit" has the meaning set forth in IC 36-1-2-23.

(b) A unit may adopt an ordinance concerning regulation of commercial dog breeders that imposes more stringent or detailed requirements than the requirements under this article.

(c) A unit may not enforce an ordinance concerning the regulation of commercial dog breeders that contains requirements less stringent or detailed than the requirements under this article.

Chapter 7. Pet Dealers

Sec. 1. A pet dealer must maintain a log containing the:

(1) name;

(2) address;

(3) city; and

(4) state;

of the breeder and broker, if applicable, that provided each puppy sold by the pet dealer. The pet dealer must retain the log for at least two (2) years.

Sec. 2. A pet dealer must maintain veterinary records of every animal sold by the pet dealer. The pet dealer must retain the veterinary records of every animal sold or offered for sale by the pet dealer for at least two (2) years.

1 **Sec. 3. A pet dealer shall make the breeder log described in**
 2 **section 1 of this chapter available to law enforcement officials.**

3 **Sec. 4. A pet dealer shall make the veterinary records described**
 4 **in section 2 of this chapter available to purchasers or prospective**
 5 **purchasers."**

6 Page 4, line 27, delete "mistreatment" and insert "**cruelty**".

7 Page 4, line 32, reset in roman "cruelty".

8 Page 4, line 32, delete "mistreatment".

9 Page 4, delete lines 36 through 40.

10 Page 11, line 9, after "period" insert "**in a manner that endangers**
 11 **the animal's life or health;**

12 **(C) tether an animal".**

13 Page 11, line 12, strike "or".

14 Page 11, between lines 13 and 14, begin a new line triple block
 15 indented and insert:

16 **"(iv) restrains the animal in a manner that physically**
 17 **harms the animal;".**

18 Page 11, line 14, delete "(C)" and insert "**(D)**".

19 Page 11, line 15, delete "." and insert "**; or**".

20 Page 11, between lines 15 and 16, begin a new line double block
 21 indented and insert:

22 **"(E) leave an animal outside exposed to:**

23 **(i) excessive heat without providing the animal with a**
 24 **means of shade from the heat; or**

25 **(ii) excessive cold if the animal is not provided with straw**
 26 **or another means of protection from the cold;**

27 **regardless of whether the animal is restrained or kept in a**
 28 **kennel."**

29 Page 11, between lines 23 and 24, begin a new paragraph and insert:

30 **"SECTION 10. IC 35-46-3-5, AS AMENDED BY P.L.2-2008,**
 31 **SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
 32 **JULY 1, 2009]: Sec. 5. (a) Except as provided in subsections (b)**
 33 **through (c), this chapter does not apply to the following:**

34 **(1) Fishing, hunting, trapping, or other conduct authorized under**
 35 **IC 14-22.**

36 **(2) Conduct authorized under IC 15-20-2.**

37 **(3) Veterinary practices authorized by standards adopted under**
 38 **IC 25-38.1-2-14.**

- 1 (4) Conduct authorized by a local ordinance.
- 2 (5) Acceptable farm management practices.
- 3 (6) Conduct authorized by IC 15-17-5, and rules adopted under
- 4 IC 15-17-5 for state or federally inspected livestock slaughtering
- 5 facilities.
- 6 (7) A research facility registered with the United States
- 7 Department of Agriculture under the federal Animal Welfare Act
- 8 (7 U.S.C. 2131 et seq.).
- 9 (8) Destruction of a vertebrate defined as a pest under
- 10 IC 15-16-5-24.
- 11 (9) Destruction of or injury to a fish.
- 12 (10) Destruction of a vertebrate animal that is:
 - 13 (A) endangering, harassing, or threatening livestock or a
 - 14 domestic animal; or
 - 15 (B) destroying or damaging a person's property.
- 16 **(11) Destruction of an animal by an animal control program,**
- 17 **including an animal control facility, an animal shelter, or a**
- 18 **humane society.**
- 19 (b) Section 1 of this chapter applies to conduct described in
- 20 subsection (a).
- 21 (c) Destruction of an animal by electrocution is authorized under
- 22 this section only if it is conducted by a person who is engaged in an
- 23 acceptable farm management practice, by a research facility registered
- 24 with the United States Department of Agriculture under the Animal
- 25 Welfare Act, or for the animal disease diagnostic laboratory established
- 26 under IC 21-46-3-1, a research facility licensed by the United States
- 27 Department of Agriculture, a college, or a university.
- 28 SECTION 11. IC 35-46-3-4.4 IS ADDED TO THE INDIANA
- 29 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 30 [EFFECTIVE JULY 1, 2009]: **Sec. 4.4. (a) As used in this chapter,**
- 31 **"domestic animal" means an animal that is not wild.**
- 32 **(b) The term is limited to:**
 - 33 **(1) cattle, calves, horses, mules, swine, sheep, goats, dogs, cats,**
 - 34 **poultry, ostriches, rhea, emus, or other birds;**
 - 35 **(2) an animal of the bovine, equine, ovine, caprine, porcine,**
 - 36 **canine, feline, avian, camelid, cervidae, or bison species; or**
 - 37 **(3) an aquatic animal that may be the subject of aquaculture**
 - 38 **(as defined in IC 15-11-7-1).".**

- 1 Page 11, delete line 42.
- 2 Delete page 12.
- 3 Page 13, delete lines 1 through 3, begin a new paragraph and insert:
- 4 "SECTION 14. IC 35-46-3-12.3 IS ADDED TO THE INDIANA
- 5 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 6 [EFFECTIVE JULY 1, 2009]: **Sec. 12.3. (a) A person who knowingly**
- 7 **or intentionally kills a domestic animal without the consent of the**
- 8 **owner of the domestic animal commits killing a domestic animal,**
- 9 **a Class A misdemeanor.**
- 10 **(b) However, the offense described in subsection (a) is a Class D**
- 11 **felony if the person knew or reasonably should have known that**
- 12 **the domestic animal was located on real property that was owned**
- 13 **by:**
- 14 **(1) the owner of the domestic animal; or**
- 15 **(2) a person who keeps domestic animals on the real property**
- 16 **for the purpose of breeding, boarding, or training domestic**
- 17 **animals.**
- 18 **(c) It is a defense that the accused person reasonably believed**
- 19 **the conduct was necessary to prevent injury to the accused person**
- 20 **or another person."**
- 21 Page 13, line 5, after "IC 35-46-3-7," insert "and".
- 22 Page 13, line 5, delete "and IC 35-46-3-12,".
- 23 Renumber all SECTIONS consecutively.
- (Reference is to HB 1468 as introduced.)

and when so amended that said bill do pass.

Representative Pierce